REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 112, are respectfully requested in light of the following remarks.

The following remarks are offered in complete response to the Office Action dated December 7, 2007. In light of these remarks, reconsideration of the rejections and examination of all of the claimed subject matter on the merits are respectfully requested.

The specification has been amended to:

(1) delete the phrase "M refers to an alkali metal salt" on lines 1-2 of page 14, as this is irrelevant wording because there is no element M in compound (1b);

(2) add the names of the compounds listed and identified in examples 31 and 32 of the specification; and

(3) correct the nomenclature of various compounds by: (a) using the term "acetoxy" where the term "acetyl" was incorrectly used; (b) using the term "tert-butylcarbonyl" where the term "benzoyl" was incorrectly used; (c) using the term "tert-butylcarbamate" where the term "acetamide" was incorrectly used; and (d) correcting the name of a reactant, by reciting "diethyl allylphosphoic acid ester" rather that "diethyl phosphonic acid ester". Support for these amendments is found in both the drawn structure of the compounds and the data supporting the structure of the compounds.

Claim 18 has been amended to correct the nomenclature of one of the compounds. Support for this amendment is found in both the drawn structure of the compound and the data supporting the structure of the compound. Claim 31 has been amended to include the compounds of examples 31 and 32 of the specification and to correct the nomenclature of several recited compounds. Support for this amendment is found in both the drawn structure of the compounds and the data supporting the structure of the compounds. Claim 39 has been amended to correct the nomenclature of one of the recited compounds. Support for this amendment is found in both the drawn structure of the compound and the data supporting the structure of the compound. No new matter has been added in making these amendments.

Claims 2 and 34 were previously cancelled.

Claims 1, 3-33 and 35-44 are pending in this application.

Applicants gratefully acknowledge the Examiner's withdrawal of the § 102, 103 and 112 rejections in the previous Office Action.

35 U.S.C. §102(b) prior art rejections

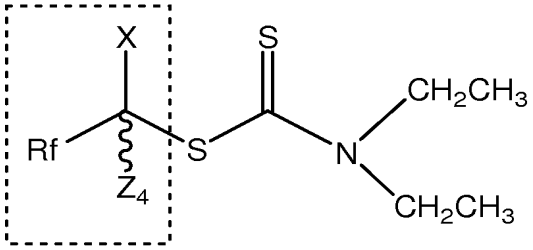
It is well established that in order to demonstrate anticipation over 35 U.S.C. § 102, each feature of the claim at issue must be found, either expressly described or under principles of inherency, in a single prior art reference. See, *Kalman v. Kimberly-Clark Corp.*, 218 USPQ 789 (Fed. Cir. 1983).

Claims 1, 3-19 and 44 have been rejected under 35 U.S.C. §102(b) as being anticipated by Chen et al. ("Perfluoro- and Polyfluorosulphonic acids. 21. Synthesis

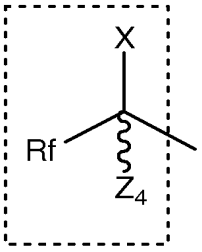
of Difluoromethyl Esters Using Fluorosulfonyldifluoroacetic Acid as a Difluorocarbene Precursor", J. Org. Chem. 1989, 54, 3023-3027, pages 3023-3027).

Chen discloses compound 11, $Et_2NC(S)SCF_2H$, (see page 3024, right column).

Compound 11 can be drawn as

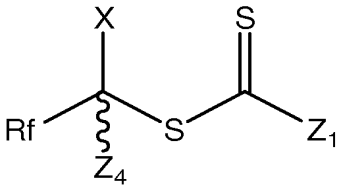


where



corresponds to a CF_2H.

The compounds of claims 1, 3-19 and 44 are directed to compounds of formula (I):



(I)

.

The compounds of the current claims are distinct from compound 11 of Chen et al. because of the definition of the substituants Rf, X and Z_4 in the current application do not allow for the compound 11 of Chen et al. Compound 11 in Chen

et al. requires that Rf, X and Z_4 be a hydrogen and two (2) fluorine atoms, in some order. However the definitions of Rf, X and Z_4 in the current claims recite:

- Rf represents
  - (i) a halogen atom, preferably fluorine;
  - (ii) fluoroalkyl;
  - (iii) a per-halogenated aryl radical, or
  - (iv) a radical selected from RA-CF2-, RA-CF2-CF2-, RA-CF2-CF(CF3)-, CF_3-C(R_A)F- and (CF_3)R_A-, with R_A selected from an alkyl, acyl, aryl, aralkyl, alkene and alkyne group, cyclic hydrocarbons and heterocycles,
- X represents a –NZ_2Z_3, -OZ_5 group or a halogen atom (Hal) selected from Cl, Br and I
- Z_4 represents a hydrogen atom, an alkyl or cycloalkyl group.

One hydrogen atom and two fluorine atoms must fit within these definitions. Only Z_4 can be a hydrogen atom, and therefore both Rf and X must each be a fluorine atom. The definition of Rf allows Rf to be a fluorine atom. However the definition of X excludes X from being a fluorine atom. Therefore the compounds of the current invention are structurally distinct from compound 11, $Et_2NC(S)SCF_2H$, of Chen et al. and the compounds of the current invention are not anticipated by Chen et al.

Applicants respectfully submit that the claims are not anticipated by Chen et al. and the rejection should be withdrawn.

Claims 1, 3-19 and 44 have been rejected under 35 U.S.C. §102(b) as being anticipated by Gagosz et al. ("A Direct Approach to α-Trifluoromethylamines", Organic Letters, 2003, vol. 5, No. 15, pages 2655-2657).

Gagosz et al. was published in the Web on July 1, 2003. The date of publication is after the priority date, September 11, 2002 of this application. Therefore Gagosz et al. is not prior art because it was first published after the priority date of the this application. In addition, the two authors of the Gagosz et al. publication (Fabien Gagosz and Samir Z. Zard) are also inventors of the current application.

Applicants respectfully submit that the claims are not anticipated by Gagosz et al. and the rejection should be withdrawn.

From the foregoing, Applicants earnestly solicit further and favorable action in the form of a Notice of Allowance.

If there are any questions concerning this paper or the application in general, Applicants invite the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 4, 2008

By: /Gary Mangels/
Gary Mangels, Ph.D.
Registration No. 55424

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620